

Filed for intro on 01/31/2002

HOUSE BILL 3159

By Montgomery

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 1, Part 6, relative to the probation of local school systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-602(a), is  
amended by deleting the section in its entirety, and by substituting instead a new section  
(a):

(a) By September 1 of each year, the commissioner shall recommend for  
approval to the state board a listing of all schools to be placed on notice or  
probation for failure to make adequate progress in meeting the rules, regulations  
and performance standards of the state board. If a school system is deemed by

the Commissioner as not carrying out its responsibilities to a school or schools on notice or probation for technical or other assistance that may ensure that a school meet or exceed the performance standards, or the standards set forth in 49-1-210, the system may be included in the recommendation to the state board to be placed on notice or probation. Schools or school systems on notice or probation shall abide by guidelines established by the Commissioner of Education for the purpose of improving student performance.

SECTION 2. Tennessee Code Annotated, Section 49-1-602(b), is amended by deleting the section in its entirety, and by substituting instead a new section (b):

(a) Such status shall not impair the credits earned by students in that school system or school.

SECTION 3. Tennessee Code Annotated, Section 49-1-602(c), is amended by deleting the section in its entirety, and by substituting instead a new section (c):

(a) (1) During the year on notice, the Department of Education and the Office of Education Accountability established in § 4-3-308 will jointly study any school and/or system placed on notice. The study will include findings on how the school and/or school system can meet the performance standards for adequate yearly progress. The Commissioner of Education shall have the authority to:

(A) approve the allocation of state discretionary grants to the school and or school system; and

(B) provide technical assistance to the school and or school system through an outside expert.

(2) The director of each local education agency serving schools placed on notice shall have responsibility for the following actions:

(A) prompt notification to parents of students of such identification; and

(B) revision of school improvement plans.

SECTION 4. Tennessee Code Annotated, Section 49-1-602(d), is amended by deleting the section in its entirety, and by substituting instead a new section (d):

(d) If a system or school does not meet the standards for adequate yearly progress by the end of the first year on notice, the system or school may be placed on probation.

(1) During the first year a system or school is on probation, the Commissioner of Education shall have the authority to:

(A) approve a school system's allocation of financial resources to a system or school on probation; and

(B) appoint a local community review committee to approve and monitor the school improvement plan.

(2) The director of each local education agency serving schools placed on probation shall have responsibility for the following actions:

(A) prompt notification to parents of students of such identification; and

(B) implementation of performance contracts for the principal; and

(C) provision for remediation services for students; and

(D) notification to parents of their option to transfer their children to another public school within the system;

and

(E) revision of school improvement plans to incorporate joint study findings.

SECTION 5. Tennessee Code Annotated, Section 49-1-602, is amended by adding a new section (e).

(e) If a school or school system does not meet the standards by the end of the first year on probation, the system or school may be placed on probation for a second year.

(1) During the second year on probation, the Commissioner of Education shall have the authority to:

(A) approve a school or system's allocation of financial resources to schools on probation; and

(B) approve a school or system's allocation of personnel resources to the schools placed on probation; and

(C) present options for a school or system to plan for alternative governance including but not limited to:

(1) restructuring a school as a public charter school; or

(2) contracting with an entity to administer the affairs of a school; or

(3) removing the school from the jurisdiction of the school system.

(2) The director of each local education agency serving schools placed on probation shall have the responsibility for the following actions:

(A) prompt notification to parents of students of such identification; and

- (B) implementation of performance contracts for the principal; and
- (C) provision for remediation services for students; and
- (D) notification to parents of their option to transfer their children to another public school within the system; and
- (E) preparation of a plan for alternative governance from the options provided by the Commissioner of Education.

SECTION 6. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (f).

(f) If after two consecutive years on probation, a school or system does not make progress to meet the standards for adequate yearly progress, the Commissioner of Education shall have the authority to

- (1) assume any or all powers of governance for the school or system; and/or
- (2) recommend to the state board that the director of the local education agency be replaced; and/or
- (3) recommend to the state board that some or all of the local board of education members be replaced.

SECTION 7. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (g).

(g) (1) An appeal of the decision to remove a director or board member shall be to chancery court of Davidson County.

(2) The chancellor's review shall be confined to whether or not the decision was made in accordance with the procedures authorized by this section.

SECTION 8. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (h).

(h) The release of data, including but not limited to achievement data for grades three (3) through eight (8), for research purposes shall be subject to guidelines established by the Commissioner of Education.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.